NOTIFICATION

(Law Department).

No. Law 26 LCA 65, Bangalore, dated 16th March 1965.

Ordered that the Jawaharlal Nehru University Bill, 1964 (XXXIII of 1964) which has been published in the *Gazette of India*, Extraordinary, Part II, Section 2, dated the 24th December 1964 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,

30 — *Under Secy. to Govt., L. D.*

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 24th December, 1964:—

I

BILL No. XXXIII OF 1964

A Bill to establish and incorporate a University of Delhi.

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement*—(*1*) This Act may be called The Jawaharlal Nehru University Act, 1964.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions*— In this Act, unless the context otherwise requires,—

(*a*) "College" means a college maintained, or admitted to its privileges, by the University;

(*b*) "Hall" means a unit of residence, by whatever name called, for students of the University provided, maintained or recognised by it;

(*c*) "Institution" means an institution of higher learning maintained, or recognised as such, by, the University;

(*d*) "prescribed" means prescribed by Statutes, Ordinances or Regulations;

(*e*) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University made under this Act;

(*f*) "University" means the Jawaharlal Nehru University; and

(*g*) "University area" means the area with respect to which the University shall have territorial jurisdiction.

3. *The University*—(1) There shall be constituted in the Union territory of Delhi a University by the name of "Jawaharlal Nehru University";

Provided that the affiliation of colleges in the said area to the University shall come into force from only such date as the Central Government may, by notification in the Official Gazette, appoint.

(2) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of "Jawaharlal Nehru University".

(3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. *Powers of the University*– The University shall have the following powers, namely:—

(1) to provide for instruction (including correspondence courses) and research in the Humanities, Science and Technology, Education, Medicine and other professional subjects and in other spheres of learning and knowledge of a standard and thoroughness required and expected of a University of the highest

standing, and to secure the advancement, diffusion and extension of knowledge in all spheres of learning;

(2) to establish within the University area or outside that area such field stations and specialised laboratories and such other units for research and instruction as are necessary for the furtherance of its objects;

(3) to organise and to undertake extra-mural teaching and extension services;

(4) to hold examinations and to grant to, and confer degrees, diplomas, certificates or other academic distinctions and to deprive persons of any degrees, diplomas, certificates, or distinctions granted to or conferred upon them by the University for good and sufficient cause;

(5) to create such teaching, administrative and other posts as the University may deem necessary from time to time and to make appointments thereto;

(6) to appoint or recognise persons as Professors, Readers or Lecturers or otherwise as teachers of the University;

(7) to institute and award Fellowships, Scholarships, Exhibitions and Prizes;

(8) to establish and maintain Colleges and Halls, to recognise, supervise and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;

(9) to regulate and enforce discipline among students and employees of the University and to take such disciplinary measures in this regard as may be deemed necessary;

(10) to make arrangements for promoting health and general welfare of students of the University;

(11) to determine and provide for examinations for admission into the University;

(12) to affiliate with it, or admit to any of its privileges or to recognise for any purpose and either in whole or in part, any college or institution or members or students thereof, on such terms and conditions as may, from time to time, be prescribed and to withdraw such affiliation, privileges and recognition;

(13) to co-operate with any other University, authority or association or any other public or private body having in view the promotion of purposes and objects similar to those of the University or appoint one or more representatives of the University to act upon any such body, authority or association for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;

(14) to enter into any agreement for the incorporation in the University of any other institution and for taking over its rights, properties and liabilities and for any other purpose not repugnant to this Act;

(15) to demand and receive payment of such fees and other charges as may be prescribed from time to time;

(16) to acquire, hold, manage and dispose of any property movable or immovable, including trust or endowed property within or outside the University area, for the purposes or objects of the University, and to invest any funds representing such property in such manner as the University thinks fit;

(17) to borrow, with the approval of the Central Government, on the security of the University property, money for the purposes of the University; and

(18) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be

requisite in order to further the objects of the University.

5. *Territorial exercise of powers*—(1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall extend to the whole of Union territory of Delhi except the area in respect of which the Delhi University shall have territorial jurisdiction:

Provided that the powers of the University shall not extend to the institution known as the Maulana Azad Medical College situated in the University area.

(2) Notwithstanding anything in any other law for the time being in force no educational institution within the University area shall be associated in any way with, or be admitted to any privileges of, any other University incorporated by law in India and any such privileges granted by any such other University to any educational institution within the University area shall be deemed to be withdrawn with effect from such date as may be appointed by a notification under the proviso to sub-section (1) of section, 3:

Provided that the Central Government may, by order in writing, direct that the provisions of this sub-section shall not apply to any institution or shall apply to any institution subject to such conditions as may be specified in the order.

6. *Powers and jurisdiction in respect of institution or body outside the University area.*—Notwithstanding anything contained in section 5,—

(*a*) where any institution or body established outside the University area seeks recognition from, or affiliation with, or admission to the privileges of the University, or

(*b*) where the University establishes and maintains any institution or body outside the University area,

then the powers and jurisdiction of the University shall extend to such institution or body subject to—

(i) the laws force in the State within which, and

(ii) the rules and regulations of the University within whose jurisdiction,

the said institution or body is situated.

7. *Visitor.*- (1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipment and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and to cause an enquiry to be made in respect of any matter connected with the University.

(3) The Visitor may by order in writing annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances.

(4) The Visitor shall also have such other powers as may be prescribed by the Statutes.

8. *Officers of the University.*—(1) There shall be a Chancellor of the University who shall be the Head of the University and shall preside at any of its convocation for conferring degrees.

(2) There shall be a Vice-Chancellor appointed in the prescribed manner who shall be the principal

executive and Academic Officer of the University and *ex officio* Chairman of the Court, Executive Council, Academic Council and Finance Committee and he shall, in the absence of Chancellor, have power to preside at any convocation and confer degrees.

(3) There shall be one or more Pro-Vice-Chancellors of the University who shall be appointed in accordance with the Statutes and subject to the Statutes shall act for, and exercise the powers of, the Vice-Chancellor during a vacancy in the office of the Vice-Chancellor or during the absence, inability or incapacity of the Vice-Chancellor and shall exercise such other powers as may be assigned to him by the Vice-Chancellor.

(4) There shall be a Dean for each School of Study and for each Faculty who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.

(5) There shall be a Registrar who shall act as Secretary of the Court, the Executive Council and the Academic Council and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(6) There shall be a Finance Officer who shall be the Secretary of the Finance Committee and exercise such powers and perform such duties as may be prescribed by the Statutes.

(7) There shall be such other officers as provided for in the Statutes.

9. *Authorities of the University.*— The authorities of the University shall be the Court, the Executive Council, the Academic Council, the Schools of Studies, the Faculties, the Council of Students' Affairs, the Finance Committee and such other

authorities as may be declared by the Statutes to be authorities of the University.

10. *The Court.*— (1) The Court shall be the supreme authority of the University, and its constitution and the terms of office of its members shall be prescribed by the Statutes.

(2) The Court shall have the power to review the acts of the Executive Council and the Academic Council (save when these authorities have acted in accordance with the powers conferred upon them under this Act, the Statutes or the Ordinances) and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

11. *The Executive Council.*— (1) The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

(2) It shall be incharge of the general management and administration (including the revenue and property) of the University.

12. *Academic Council.*—(1) The Academic Council shall be the academic body of the University, and its constitution and the terms of office of its members other than *ex-officio* members, shall be prescribed by the Statutes.

(2) The Academic Council shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance, of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

13. *Statutes.*— Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(*a*) the constitution, powers and duties of the authorities and other bodies of the University, the manner of appointment of members thereof and other matters connected therewith;

(*b*) the procedure of appointment, terms and conditions of service and the powers and duties of the employees of the University;

(*c*) the administration of the University, the establishment and abolition of Faculties, Colleges, Institutions and Halls, grant and withdrawal of affiliation and recognition to them, the institution of Fellowships, Awards and the like, the conferment of degrees, diplomas and certificates; and

(*d*) any other matter which is necessary for the proper and effective management and conduct of the affairs of the University and which by this Act is to be or may be provided by the Statutes.

14. *Statutes how made.*— (1) The first Statutes shall be framed by the Central Government with the previous approval of the Visitor, and a copy of the same shall be laid, as soon as may be, before each House of Parliament.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided:

Provided that the Executive Council shall not make any Statute or any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so

expressed shall be in writing and shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

15. *Ordinances.*— (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(*a*) the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas. certificates and other academic distinctions, the conditions for the grant of Fellowships, Awards and the like;

(*b*) the conduct of examinations, including the terms of office and appointment of examiners and others, the conditions of residence of students and their general discipline;

(*c*) the general management, supervision and inspection of Faculties, colleges and other institutions recognised by, or affiliated to the University; and

(*d*) any other matter which by this Act or the Statutes is to be or may be provided by the Ordinances.

(2) The Ordinances may be amended, repealed or added to at any time by the Executive Council.

16. *Regulations.*— The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct

of their own business and that of the committees appointed by them and not provided for by this Act, Statutes or the Ordinances in the manner prescribed by the Statutes.

17. *Annual report.*— (1) The Annual Report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and shall be considered by the Court at its annual meeting.

(2) The Court may communicate their comments thereon to the Executive Council.

18. *Audit of accounts.*— (1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India, or any person authorised by him in this behalf.

(2) The accounts, when audited shall be published in the Gazette of India, and a copy of the accounts together with the audit report shall be submitted by the University to the Visitor and to the Court.

19. *Disputes as to constitution of University authorities and bodies* — If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

20. *Constitution of committees.*—Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of members

of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

21. *Filling of casual vacancies.*—All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University, shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

22. *Proceedings of University authorities and bodies not invalidated by vacancies.*— No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

23. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may by order publish in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

24. *Transitional provisions*, —Notwithstanding anything contained in this Act:—

(*a*) the first Chancellor, members of the Court, the Executive Council and the Academic Council shall be nominated by the Central Government and shall hold office for a period of three years;

(*b*) the first Vice-Chancellor shall be appointed by the Visitor and he shall hold office for a period of five years.

25. *Amendment of Act 3 of 1922* — In the Delhi University Act, 1922, –

(*a*) for sub-section (*1*) of section 5, the following sub-section shall be substituted, namely:—

"(1) Save as otherwise provided in this Act or by or under the Jawaharlal Nehru University Act, 1964, the powers of the University conferred by or under this Act [other than those conferred by sub-clause (*d*) of clause (*2*) of section *4*] shall not extend beyond the areas specified in the second Schedule and no educational institution beyond those limits shall be associated with, or admitted to any privileges of, the University:

Provided that the institution known as the Maulana Azad Medical College shall continue to be subject to the powers and jurisdiction of the University.";

(*b*) for the word "Schedule", wherever it occurs, the words "First Schedule" shall be substituted, and after the First Schedule, the following Schedule shall be inserted namely; –

"THE SECOND SCHEDULE

(*See* Section 5)

The area of the Union territory of Delhi falling to the north of the line starting from the junction of the Rohtak Road with the boundary of the Union territory of Delhi, going along Rohtak Road towards east up to its junction with the New Rohtak Road, then along the New Rohtak Road, towards the east up to its junction with Rani Jhansi Road, then along Rani Jhansi Road towards south up to its junction with Deshbandhu Gupta Road, then along Deshbandhu Gupta Road towards east up to

its junction with Circular Road near Ajmeri Gate, then towards the east following the course of Circular Road up to its junction with Mathura Road, then towards east along the Rajghat Road leading to the Power House up to its junction with river Jumna, then following the course of Jumna down south up to its junction with the boundary of the Union territory of Delhi."

FINANCIAL MEMORANDUM

Clause 3 of the Bill contemplates the establishment of a University in Delhi by the name of Jawaharlal Nehru University. Clause 4 of the Bill specifies the various powers of the University, Clause 8 deals with the officers of the University and clause 9 with the authorities thereof. The University will provide facilities for the Post Graduate teaching in Humanities and Sciences. It will, therefore, be necessary to make provision for acquisition and development of land required for the various buildings of the University. The University buildings will comprise administrative blocks, Humanities and Science blocks, library, staff quarters, hostels and other miscellaneous buildings like convocation hall, etc. On the basis of our experience of the expenditure incurred at the Delhi University and the likely stress on Post Graduate Scientific and Technological studies at the proposed University, it is anticipated that the total capital expenditure will be about Rs. 9 crores. The ultimate recurring expenditure on the basis that it will cater to a population of 14,000 students will be about one crore of rupees per annum. Preliminary expenditure will be incurred during the Third Plan.

2. Appropriate funds required for the next and subsequent financial years for this project will be provided in the budgets of the Ministry of Education.

3. It will be necessary to incur expenditure directly on the University in the beginning for such purposes as acquisition and development of land, construction of essential administrative and academic buildings and appointment of nucleus staff. This is estimated to be Rs. 3 crores. This will be done through appropriate grants-in-aid to the new University from the Consolidated Fund. Thereafter the University will be entitled to get grants from the University Grants Commission.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 14 of the Bill empowers the Central Government to frame the first Statutes and the matters in respect of which the Central Government may frame Statutes relate, *inter alia* to:

(i) the constitution, powers and duties of the authorities and other bodies of the University and other matters connected therewith;

(ii) the procedure of appointment, terms and conditions of service and the powers and duties of the employees of the University;

(iii) the administration of the University, the establishment and abolition of colleges, institutions, etc., the grant and withdrawal of affiliation and recognition to them, the institution of Fellowships, Awards and the like and the conferment of degrees, diplomas and certificates.

2. These matters pertain to procedure, form or detail and as such, the delegation of legislative power is of a normal character.

STATEMENT OF OBJECTS AND REASONS

The influx of displaced persons after the partition of the country in 1947 resulted in the population of Delhi doubling itself in two years, rising from 7 lakhs in 1946–47 to 14½ lakhs in 1948–49. Since then also, for a variety of reasons, the population has increased at a rapid rate and at present it is estimated to be of the order of 26 lakhs. This abnormal rise in the population has inevitably brought a corresponding growth in the student population seeking admisson to colleges. The number of constituent and affiliated colleges of the University of Delhi, has increased from 7 in 1947–48 to 31 in 1963–64, and the enrolment of students in the University and its colleges from 4,232 to 28,000 in the same period. The number of students seeking admission to colleges is increasing by about 2,000 every year with the result that the problem of finding additional accommodation for the increasing number of students each year has assumed serious proportions.

2. In 1960, the University Grants Commission observed that the Delhi University was growing into an unwieldy and cumbersome institution and that it would be desirable to set up another University in New Delhi to enable the present University of Delhi to arrest dilution of its academic and research standards and to develop on its own distinctive lines as envisaged at the time of its inception.

3. The University of Delhi also strongly supported the proposal both on administrative and academic grounds. The University authorities emphasised that because of the long distances and the mounting enrolment, not only had the University become too large to be managed efficiently but its academic standards were also in danger of serious deterioration.

They, therefore, strongly recommended that a New University should be set up in Delhi as early as possible.

4. The growth of new knowledge in recent years and the significant advancement of learning in various academic fields all over the world have brought into bold relief the inadequacy of the present arrangements in the country. It is being increasingly realised that the country's social, economic and cultural development depends in a large measure upon the quality, variety and extent of higher education and research in the Universities.

5. In order to make adequate provision for the large and increasing student population of Delhi for education of the highest quality and for the advancement of knowledge and research, it is proposed to establish a University in New Delhi to be named after the late Jawaharlal Nehru. The proposed University will embody a unique synthesis of the humanities, the sciences and technology worthy of the great son of India after whom it is being named and thus perpetuate the memory of the many-sided genius of the late Prime Minister.

6. The present Bill seeks to give effect to the above proposal.

M. C. CHAGLA.

NEW DELHI,
The 18th December, 1964.

WD 883—GBPG—5500—23-8-1965.